

Kathleen Hartnett White, *Chairman*
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Martin A. Hubert, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 10, 2006

To: Persons on the Attached Mailing List (by mail and facsimile as indicated)

Re: City of Lindsay's Motion for Judgment Nunc Pro Tunc under Texas Rule of Civil Procedure 316; TCEQ Docket No. 2006-1778-UCR; related SOAH Docket No. 582-02-0431 and TNRCC/TCEQ Docket Nos. 2001-1045-UCR and 2001-1046-UCR.

The above-referenced Motion (Motion) has been filed in the Office of Chief Clerk for the Texas Commission on Environmental Quality (Commission) by Arturo D. Rodriguez, Jr. on the behalf of the City of Lindsay. This letter is to notify other persons on the enclosed mailing list, including the Executive Director and the Public Interest Counsel, of the opportunity to file a written response to the Motion and the Movant or its representative of the opportunity to file a written reply to any responses in accordance with this letter. A copy of the Motion, if needed, may be obtained by contacting the Agenda Docket Clerk, Office of Chief Clerk, by either calling 512-239-3300, or writing the Agenda Docket Clerk, at TCEQ Office of Chief Clerk MC 105, P.O. Box 13087, Austin, Texas 78711-3087. After receipt and review of the filings, you will be notified of the public meeting during which the Commission will consider the Motion and any responses and reply. Response and reply briefs should address the statutory and regulatory issues raised by the proposed use of a Nunc Pro Tunc process, including any notice and public participation issues.

If you determine to file a response brief, you must file the response brief to the Motion on or before **5:00 P.M. on Wednesday, November 1, 2006**. The Movant or its representative may file a reply brief to the responses on or before **5:00 P.M. on Wednesday, November 22, 2006**. To be considered timely, an original and eleven copies of any response or reply must be received in the Office of Chief Clerk on or before the applicable 5:00 P.M. deadline and mailed to all persons on the attached mailing list. All responses and any reply should be addressed to the Attention of the Office of Chief Clerk Agenda Docket Clerk and be marked with the 2006 TCEQ Docket number provided above as well as the other docket numbers.

If you have any questions about the briefing schedule or related matters, please contact Celeste A. Baker, Assistant General Counsel, at 512/239-5527.

Respectfully,

A handwritten signature in black ink that reads "Derek Seal".

Derek Seal
General Counsel

Mailing List

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Mailing List

City of Lindsay's Motion for Judgment Nunc Pro Tunc
TCEQ Docket No. 2006-1778-UCR; SOAH Docket No. 582-02-0431
TNRCC/TCEQ Docket Nos. 2001-1045-UCR and 2001-1046-UCR

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